

## REMARKS

### I. Drawings

Objections to the drawings have been obviated by appropriate claim amendments. Accordingly, the Applicants respectfully request withdrawal of this objection.

### II. 35 U.S.C. §112

Claims 23 and 25 stand rejected under 35 U.S.C. §112, first paragraph. To expedite prosecution, claim 23 has been cancelled and claim 25 is amended. Accordingly, the Applicants respectfully request withdrawal of these rejections.

### III. 35 U.S.C. §102: Claims 20-22 and 24

Claims 20-22 and 24 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,714,982 to Strauss (*"Strauss"*). Claims 20-22 and 24, as amended, are directed toward a portable food container that includes a lid having a handle, the handling having first and second slots spaced apart from one another that are configured to connect with first and second tabs on a side of the portable food container, where the side is parallel to the handle when the lid is in a first position.

*Strauss* discloses a container handle and closure. *Strauss* does not disclose first and second slots spaced apart from one another on the handle that are configured to connect with first and second tabs on a side of a container, where the side is parallel to the handle when a lid is in a first position.

Accordingly, the Applicants respectfully request that these rejections be withdrawn.

### IV. 35 U.S.C. §102: Claims 20, 21, 23, and 24

Claims 20, 21, 23, and 24 stand rejected under 35 U.S.C. §102(b) as being anticipated by either U.S. Patent No. 4,403,728 to Koltz (*"Koltz"*) or European Patent 0 053 568 (the *"'568 European patent"*). Claims 20, 21, and 24, as amended, are directed toward a portable food container that includes a lid having a handle, the handling having first and second slots spaced apart from one another that connect with first and second

tabs on a side of the portable food container, where the side is parallel to the handle when the lid is in a first position.

*Koltz* discloses a collapsible gable top container. The '568 *patent* discloses a stackable carrying box. Neither *Koltz* nor the '568 *European patent* disclose first and second slots spaced apart from one another on the handle that are configured to connect with first and second tabs on a side of a container, where the side is parallel to the handle when a lid is in a first position. Claim 23 has been cancelled.

Accordingly, the Applicants respectfully request withdrawal of these rejections.

**V. 35 U.S.C. §103: Claim 22**

Claim 22 stands rejected under 35 U.S.C. §103(a) as being unpatentable over either *Koltz* or the '568 *European patent* in view of *Strauss*. Claim 22 depends from amended claim 20. Claim 22 is directed toward a portable food container that includes a lid having a handle, the handling having first and second slots spaced apart from one another that connect with first and second tabs on a side of the portable food container, where the side is parallel to the handle when the lid is in a first position.

As previously mentioned, neither *Koltz*, the '568 *European patent*, nor *Strauss* disclose first and second slots spaced apart from one another on the handle that are configured to connect with first and second tabs on a side of a container, where the side is parallel to the handle when a lid is in a first position. Therefore, none of these references alone or in combination, teach or suggest all of the features of claim 22.

Accordingly, the Applicants respectfully request withdrawal of this rejection.

**VI. 35 U.S.C. §103: Claim 1, 2, 6, 10, and 26**

Claims 1, 2, 6, 10, and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Strauss* in view of U.S. Patent No. 1,902,262 to Powell ("*Powell*"). *Strauss* discloses a container handle and closure. *Powell* discloses a foldable display carton.

Claim 1 as amended, recites a first container, a pair of container slots and tabs, and a pair of handle tabs and slots, such that the pair of handle tabs are positionable to fit into the pair of container slots to secure a first container lid in a first position that

covers substantially all of a top opening of the first container and a pair of handle slots configured to mate with the pair of container tabs to secure the first container lid in a second position that covers only a portion of the opening of the first container. Neither *Strauss* nor *Powell* alone or in combination teach all of the features recited in amended claim 1. Claims 2, 6, and 26 depend from amended claim 1. Claim 10 has been cancelled.

Accordingly, the Applicants respectfully request withdrawal of these rejections.

**VI. 35 U.S.C. §103: Claim 1, 2, 10, and 26**

Claims 1, 2, 10, and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over either *Koltz* or the '568 *European patent* in view of *Powell*.

Claim 1 as amended, recites a first container, a pair of container slots and tabs, and a pair of handle tabs and slots, such that the pair of handle tabs are positionable to fit into the pair of container slots to secure a first container lid in a first position that covers substantially all of a top opening of the first container and a pair of handle slots configured to mate with the pair of container tabs to secure the first container lid in a second position that covers only a portion of the opening of the first container. Neither *Koltz*, the '568 *European patent*, nor *Powell* alone or in combination teach all of the features recited in amended claim 1. Claims 2 and 26 depend from amended claim 1. Claim 10 has been cancelled.

Accordingly, the Applicants respectfully request withdrawal of these rejections.

**VI. 35 U.S.C. §103: Claims 3-5**

Claims 3-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over either *Koltz*, the '568 *European patent*, or *Strauss* in view of either U.S. Patent No. 3,021,976 to Tracy ("*Tracy*") or U.S. Patent No. 3,307,602 to Boster ("*Boster*"). *Tracy* discloses a container, and more specifically a tin can type container. *Boster* discloses a re-usable food container with a re-sealable lid.

Claims 3-5 depend from amended claim 1. Neither *Koltz*, the '568 *European patent*, *Strauss*, *Tracy*, nor *Boster* alone or in combination teach a first container, a pair of container slots and tabs, and a pair of handle tabs and slots, such that the pair of

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handle tabs are positionable to fit into the pair of container slots to secure a first container lid in a first position that covers substantially all of a top opening of the first container and a pair of handle slots configured to mate with the pair of container tabs to secure the first container lid in a second position that covers only a portion of the opening of the first container, as recited in amended claim 1.

Accordingly, the Applicants respectfully request withdrawal of these rejections.

**VII. 35 U.S.C. §103: Claim 6**

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over either *Koltz*, or the '568 *European patent*, in view *Strauss*.

Claim 6 depends from amended claim 1. Neither *Koltz*, the '568 *European patent*, nor *Strauss* alone or in combination teach a first container, a pair of container slots and tabs, and a pair of handle tabs and slots, such that the pair of handle tabs are positionable to fit into the pair of container slots to secure a first container lid in a first position that covers substantially all of a top opening of the first container and a pair of handle slots configured to mate with the pair of container tabs to secure the first container lid in a second position that covers only a portion of the opening of the first container, as recited in amended claim 1.

Accordingly, the Applicants respectfully request withdrawal of this rejection.

**VIII. 35 U.S.C. §103: Claim 7**

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over either *Koltz*, the '568 *European patent*, *Strauss*, or *Powell* in view of U.S. Patent No. 3,871,568 to Bahler ("*Bahler*").

Claim 7 depends from amended claim 1. Neither *Koltz*, the '568 *European patent*, *Strauss*, *Powell*, nor *Bahler* alone or in combination teach a first container, a pair of container slots and tabs, and a pair of handle tabs and slots, such that the pair of handle tabs are positionable to fit into the pair of container slots to secure a first container lid in a first position that covers substantially all of a top opening of the first container and a pair of handle slots configured to mate with the pair of container tabs to

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secure the first container lid in a second position that covers only a portion of the opening of the first container, as recited in amended claim 1.

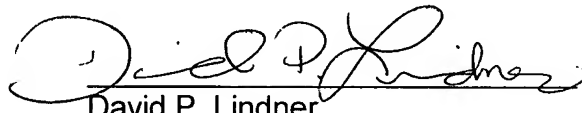
Accordingly, the Applicants respectfully request withdrawal of this rejection.

**IX. Conclusion**

In view of the above amendments and remarks, the Applicants respectfully submit that the claims are in condition for allowance. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "David P. Lindner", written over a horizontal line.

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